

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)	
v.)	
Marco Antonio Miguel)	Case No: <u>1:06CR167-7</u>
)	USM No: <u>21826-058</u>
Date of Previous Judgment: <u>7/18/07</u>)	<u>Claire Rauscher</u>
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____	Amended Offense Level: _____
Criminal History Category: _____	Criminal History Category: _____
Previous Guideline Range: _____ to _____ months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): Since the defendant was not held accountable for any cocaine base, Amendment 706 (Retroactive Crack Cocaine Reduction) has no effect on this defendant.

III. ADDITIONAL COMMENTS

The defendant filed a pro se motion in this case. As such, the Federal Public Defender for the Western District of North Carolina, Claire Rauscher, has been listed as the defendant's attorney.

Except as provided above, all provisions of the judgment dated 7/18/07 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 4, 2008

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge

